

REMARKS

Reconsideration of the above-identified application in view of the present amendment is respectfully requested.

Claims 1-8 have been rejected under 35 USC 102(b) as being anticipated by Muller-Sybricks et al. (DE 4215694).

Anticipation requires a single prior art reference that discloses each element of the claim. W.L. Gore & Associates v. Garlock, Inc., 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983), cert. denied 469 U.S. 851 (1984). Additionally, the single prior art reference must disclose each and every element of the claimed invention, arranged as in the claim. Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984). "There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention". Scripps Clinic, & Research Foundation v. Genentech Inc., 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991). "The identical invention must be shown in as complete detail as is contained in the ... claim". Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Claims 3 and 5 have been canceled. Claim 1 has been amended. Claim 1 is directed to a rotary light switch that comprises a housing and an actuating member. The housing comprises a ring-shaped switch shield 12, as can be seen in Fig. 3 of the drawings, which surrounds the actuating member 14 and which also surrounds a cylindrical peripheral wall 24 which is connected to the switch shield 12. The cylindrical

peripheral wall 24 also encloses the actuating member and is formed with a cam surface on which a cam follower 22 bears on rotation of the actuating member.

Amended claim 1 defines over the patent to Muller-Sybricks et al. (DE 4215694). The patent to Muller-Sybricks et al. (DE 4215694) does not disclose a cam surface formed on a cylindrical peripheral wall which encloses the actuating member.

The patent to Muller-Sybricks et al. (DE 4215694) discloses a switching device with a base plate 24 and two leaf springs 36/1, 36/2 on which two switching ramps 48/1, 48/2 are formed. The switching ramps each comprise a cam surface on which a cam follower 92 of an actuating member 14 bears on rotation of the actuating member. The ramp surfaces of Muller-Sybricks et al. (DE 4215694) are not configured as a cylindrical peripheral wall and the ramps do not enclose the actuating member.

Thus, amended claim 1 should be allowable over Muller-Sybricks et al. (DE 4215694) since it does not disclose each element of the claim.

Claims 2, 4, 6, 7, and 8 depend from claim 1 and are patentable over the prior art for the same reasons as claim 1 and for the specific limitations recited therein.

Regarding claim 2, the patent to Muller-Sybricks et al. (DE 4215694) does not disclose or suggest that the cam follower bears on the cam surface without a radial component of movement and including all the limitations of claim 1.

Regarding claim 4, the patent to Muller-Sybricks et al.

(DE 4215694) does not disclose or suggest that the cam surface is formed by a recess in the peripheral wall and including all of the limitations of claim 1.

Regarding claim 6, the patent to Muller-Sybricks et al.

(DE 4215694) does not disclose or suggest that the cam surface rises linearly axially and including all the limitations of claim 1.

Regarding claim 7, the patent to Muller-Sybricks et al.

(DE 4215694) does not disclose or suggest that the cam surface has an axially rising section and an axially non-rising section adjoining thereto in peripheral direction and including all the limitations of claim 1.

Claim 7 has also been rejected under 35 USC 103(a) as being unpatentable over Muller-Sybricks et al. (DE 4215694) in view of Jaroslav Keprda (GB 1400116A).

It is respectfully submitted that to establish obviousness of a claimed invention, the prior art reference or references when combined must teach or suggest all the claim limitations. In addition, there must be some suggestion or motivation to a person having ordinary skill in the art to modify the reference or to combine reference teachings (MPEP §706.02(j)).

The combination of Muller-Sybricks et al. (DE 4215694) in view of Jaroslav Keprda (GB 1400116A) does not teach all of the limitations of claims 1 and 7. Jaroslav Keprda (GB 1400116A) does not disclose a rotary light switch according to claim 1, that comprises a housing and an actuating member and

the housing comprises a ring-shaped switch shield which surrounds the actuating member and which also surrounds, a, cylindrical peripheral wall which is connected to the switch shield and that the cylindrical peripheral wall also encloses the actuating member and is formed with a cam surface on which a cam follower bears on rotation of the actuating member.

Regarding claim 8, the patent to Muller-Sybricks et al. (DE 4215694) does not disclose or suggest that the axially rising cam surface extends over a rotation angle which corresponds to a rotation of the actuating member between two adjacent switch positions and including all the limitations of claim 1.

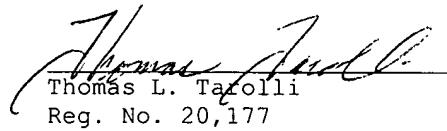
Also, regarding the rejection of claim 8 under 35 USC 112, first paragraph, sufficient antecedent basis for this claim is provided in the specification in the paragraph bridging pages 3 and 4.

Thus, claims 2, 4, 6, 7 and 8 should be allowable.

In view of the foregoing, it is respectfully submitted that the above-identified application is in condition for allowance, and allowance of the above-identified application is respectfully requested.

Please charge any deficiency or credit any overpayment in
the fees for this amendment to our Deposit Account
No. 20-0090.

Respectfully submitted,



Thomas L. Tarolli
Reg. No. 20,177

TAROLLI, SUNDHEIM, COVELL,
& TUMMINO L.L.P.
526 Superior Avenue, Suite 1111
Cleveland, Ohio 44114-1400
Phone: (216) 621-2234
Fax: (216) 621-4072
Customer No.: 26,294